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P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Filed 14 October 2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

RICHARD **HARKINS**, DEBORAH PARKES, GORDON PARRY,  
RENATE PARRY, AND DOUGLAS W. SCHNEIDER  
Junior Party  
(U.S. Application 10/624,884),

v.

SHUJATH M. **ALI**, YONGMING SUN, SUSANA SALCEDA,  
HERVE RECIPON, AND ROBERT CAFFERKEY  
Senior Party  
(U.S. Patent 7,364,862).

Patent Interference No. 105,635 (MPT)  
(Technology Center 1600)

**JUDGMENT - ADVERSE - Bd. R. 127(b)**

Before RICHARD E. SCHAFER, MICHAEL P. TIERNEY, and JAMES T. MOORE, *Administrative Patent Judges*.  
TIERNEY, *Administrative Patent Judge*

Harkins has filed a request for adverse judgment as to Count 1, the sole count in interference. (Paper 23). Harkins states that it concedes priority without the parties having entered into any settlement agreement and that there are no documents to be filed pursuant to 35 U.S.C. §135(c). (Paper 23, p. 2). No motions have been filed in this interference.

It is:

ORDERED that judgment on priority as to Count 1, the sole count in interference (Redeclaration, Paper 15), is awarded against Junior Party Harkins.

FURTHER ORDERED that claims 30, 31, 33-35 and 37-47 of Harkins' '884 application, all of which correspond to Count 1, be FINALLY REFUSED, 35 U.S.C. § 135(a).

FURTHER ORDERED that a copy of this judgment be entered in the administrative records of the involved Harkins' '884 application and involved Ali '862 patent.

/Richard E. Schafer )

RICHARD E. SCHAFER )

Administrative Patent Judge )

)

/Michael P. Tierney/ )

MICHAEL P. TIERNEY )

Administrative Patent Judge )

)

/James T. Moore/ )

JAMES T. MOORE )

Administrative Patent Judge )

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cc (via electronic filing):

Attorney for Harkins:

Sarah B. Adriano, Esq.  
SaraLynn Mandel, Esq.  
MANDEL & ADRIANO  
572 E. Green Street, Suite 203  
Pasadena, CA 91101

Tel: 626-395-7801

Email: [sbadriano@mandeladriano.com](mailto:sbadriano@mandeladriano.com)

Email: [smandel@mandeladriano.com](mailto:smandel@mandeladriano.com)

Attorney for Ali:

Debra A. Shetka, Esq.  
FISH & RICHARDSON P.C.  
60 South Sixth Street  
3300 RBC Plaza  
Minneapolis, MN 55402

Tel: 612-335-5070

Direct Dial: 314-226-9585

Email: [shetka@fr.com](mailto:shetka@fr.com)

Richard Bone, Esq.  
FISH & RICHARDSON P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Tel: 650-839-5070  
Email: [richardbone@fr.com](mailto:richardbone@fr.com)